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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,965	03/28/2000	Ariel S. Rogson	1157-2	5827

20575 7590 12/15/2003

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EXAMINER	
HUTTON JR, WILLIAM D	

ART UNIT	PAPER NUMBER
2178	3

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/537,965	ROGSON, ARIEL S.	
	Examiner	Art Unit	
	Doug Hutton	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 March 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 March 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the "first update unit" in Claim 26 (Lines 1-2); and the "second update unit" in Claim 27 (Lines 1-2). Neither the "first update unit" nor the "second update unit" is mentioned in the specification.

Claim Objections

Claim 1 is objected to because of the following informalities:

- the term "comprising" in Line 3 should be amended to — comprising the steps of — because the claim specifies a method.

Claims 10 and 12 are objected to because of the following informalities:

- the phrase "an alternate" in Line 2 in Claim 10 should be amended to — the — and the term "the" in Line 3 should be amended to — an alternate — because it is the "correctly spelled word" that is replaced with an "alternate correctly spelled word"; Claim 12 has the same problem.

Claim 13 is objected to because of the following informalities:

- the term "alternate" in Line 6 should be deleted because it is the "correctly spelled word," not the "alternate" correctly spelled word, that is replaced in the static update list.

Claim 25 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 25 fails to further limit the subject matter of Claim 24 because every "counter" (Claim 24, Line 2) inherently includes an "incrementer" that "increments" the counter (Claim 25, Line 2). Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 29 is objected to because of the following informalities:

- the term "a" in Line 2 should be amended to — the — because the "static update list" is previously mentioned (Claim 28, Line 8).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 and 16-22 are rejected under 35 U.S.C. 102(a) as being anticipated by the admitted prior art (Admission).

Claim 1:

Admission discloses a method for updating a static update list of pairs of misspelled and correctly spelled words in a document with a spell checking program on a computer, the method comprising:

- parsing a misspelled word as entered into the document (see Applicant's Specification; Page 1, Lines 30-34 – the misspelled word is parsed);
- verifying that the misspelled word is not spelled correctly (Page 1, Lines 30-34 – the misspelling is verified);
- receiving a corrected spelling of the misspelled word (Page 1, Lines 30-34 – the correctly spelled word replaces the misspelled word); and
- updating the static update list of pairs of misspelled and correctly spelled words (Page 2, Lines 21-25 – the user manually updates the static update list).

Claim 11:

This claim is for a computer-readable medium containing a program that performs the method of Claim 1. Thus, it is rejected using the same rationale.

Claims 2 and 19:

Admission discloses the method according to Claim 1, wherein updating the static update list includes tracking a measure of how useful it would be to add the misspelled word and the correctly spelled word to the static update list (Admission discloses this limitation in that the user of the word processor will inherently perform this step; for example, the user will "track a measure" and add the misspelled word and the correctly spelled word to the static update list if said user continually types the misspelled word).

Claims 3 and 20:

Admission discloses the method according to Claim 2, wherein tracking a measure includes incrementing a count of how many times the misspelled word has been parsed and the correctly spelled word received (Admission discloses this limitation in that the user of the word processor will inherently perform this step; for example, the user will "increment a count" if said user continually types the misspelled word).

Claims 4 and 21:

Admission discloses the method according to Claim 3, wherein updating the static update list includes adding the misspelled and correctly spelled words to the static update list if the count of how many times the misspelled word has been parsed and the correctly spelled word received exceeds a threshold (Admission discloses this limitation in that the user of the word processor will inherently perform this step; for example, the user will add the misspelled word and the correctly spelled word to the static update list if said user continually types the misspelled word and the user's "threshold" is exceeded).

Claims 5 and 22:

Admission discloses the method according to Claim 1, wherein updating the static update list of pairs of misspelled and correctly spelled words includes storing the misspelled word and correctly spelled word in a dynamic update list (Admission discloses this limitation in that, when the user manually updates the static list, the misspelled word and the correctly spelled word are inherently "stored" in a "dynamic update list" because anytime a computer user enters keystrokes, that data is temporarily stored in the computer).

Claim 6:

Admission discloses the method according to Claim 5, wherein updating the static update list of pairs of misspelled and correctly spelled words further includes

updating the static update list of pairs of misspelled and correctly spelled words from the dynamic update list (following the same rationale used in the rejection for Claim 5, Admission discloses this limitation in that the static list is updated "from" the "dynamic update list").

Claims 7 and 16:

Admission discloses the method according to Claim 1, wherein verifying that the misspelled word is not spelled correctly includes finding that the misspelled word is not in the static update list of pairs of misspelled and correctly spelled words (Page 2, Lines 9-14).

Claims 8 and 17:

Admission discloses the method according to Claim 1, wherein receiving a corrected spelling includes:

- removing the misspelled word from the document (Page 1, Lines 33-34); and
- entering the correctly spelled word into the document (Page 1, Lines 33-34).

Claims 9 and 18:

Admission discloses the method according to Claim 8, wherein removing the misspelled word and entering the correctly spelled word is done by a user (Admission discloses this limitation in that, before the user manually updates the static update list, this is how the user makes corrections).

Claims 10 and 12:

Admission discloses the method according to Claim 8, wherein updating the static list of pairs of misspelled and correctly spelled words includes replacing the correctly spelled word for the misspelled word in the static update list with an alternate correctly spelled word (Admission discloses this limitation in that this is how the user makes a correction to the static update list).

Claims 1, 2 and 7-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Walfish et al., U.S. Patent No. 6,047,300.

Claim 1:

Walfish discloses a method for updating a static update list of pairs of misspelled and correctly spelled words in a document with a spell checking program on a computer, the method comprising:

- parsing a misspelled word as entered into the document (Column 2, Lines 65-67);
- verifying that the misspelled word is not spelled correctly (Column 2, Lines 65-67);
- receiving a corrected spelling of the misspelled word (Column 3, Lines 31-33); and
- updating the static update list of pairs of misspelled and correctly spelled words (Column 3, Lines 34-47).

Claim 11:

This claim is for a computer-readable medium containing a program that performs the method of Claim 1. Thus, it is rejected using the same rationale.

Claims 2 and 19:

Walfish discloses the method according to Claim 1, wherein updating the static list includes tracking a measure of how useful it would be to add the misspelled word and the correctly spelled word to the static update list (Column 3, Lines 48-62 – Walfish discloses a "tracking measure" in that the Exceptions List will prevent a word pair from being added to the AutoCorrect List if the "misspelled" word appears on the Exceptions List).

Claims 7 and 16:

Walfish discloses the method according to Claim 1, wherein verifying that the misspelled word is not spelled correctly includes finding that the misspelled word is not in the static update list of pairs of misspelled and correctly spelled words (Column 6, Line 48 through Column 7, Line 10 – the disclosed automatic spell checker compares a typed word to the AutoCorrect list to see if that word is on the list).

Claims 8 and 17:

Walfish discloses the method according to Claim 1, wherein receiving a corrected spelling includes:

- removing the misspelled word from the document (Column 3, Lines 31-33); and
- entering the correctly spelled word into the document (Column 3, Lines 31-33).

Claims 9 and 18:

Walfish discloses the method according to Claim 8, wherein removing the misspelled word and entering the correctly spelled word is done by a user (Column 2, Lines 3-6).

Claims 10 and 12:

Walfish discloses the method according to Claim 8, wherein updating the static list of pairs of misspelled and correctly spelled words includes replacing the correctly spelled word for the misspelled word in the static update list with an alternate correctly spelled word (Column 2, Lines 25-37 – the automatic spell checker "replaces" a correctly spelled word with an alternate correctly spelled word in that it adds the misspelled word and its alternate correctly spelled word to the AutoCorrect list).

Claims 13:

Walfish discloses the computer-readable medium containing a program according to Claim 12, wherein the updating software further includes:

- presentation software to present a user with a choice of the correctly spelled word and the alternate correctly spelled word as the correction for the misspelled word;

- second reception software to receive from the user a selected correction word; and
- substitution software to substitute the selected correction word for the alternate correctly spelled word in the static update list (Column 1, Lines 29-43 – the prior art discloses each of these steps, as specified in the cited text).

Claims 14:

Walfish discloses the computer-readable medium containing a program according to Claim 13, wherein:

- the presentation software includes display software to display a dialog box on screen; and
- the second reception software includes reception software to receive a selection in the dialog box from the user (Column 1, Lines 29-43 – the prior art discloses each of these steps, as specified in the cited text).

Claims 15:

Walfish discloses the computer-readable medium containing a program according to Claim 13, wherein:

- the second reception software includes third reception software to receive from the user the rejection of both the correctly spelled word and the alternate correctly spelled word (Column 1, Lines 28-43 – the prior art discloses this step, as specified in the cited text); and

- the substitution software includes removal software to remove the misspelled word and both the correctly spelled word and the alternate correctly spelled word from the static update list (Column 14, Line 44 through Column 18, Line 30 – the spelling embodiment "removes" the correctly spelled word and the alternate correctly spelled word from the static update list in that it adds the "exception" word to the Exceptions List, thereby disabling the spelling embodiment from automatically replacing the "exception" word with its "correct" spelling).

Claims 23-30 are rejected under 35 U.S.C. 102(b) as being anticipated by the Nielsen, U.S. Patent No. 5,875,443.

Claim 23:

Nielsen discloses an apparatus for correcting misspelled words in a document, the apparatus comprising:

- a computer and document editor program (Column 3, Lines 16-21);
- a spell-checking program running on the computer in conjunction with the document editor program (Column 3, Lines 16-21);
- a static update list of pairs of first misspelled and known correctly spelled words (Column 3, Line 16 through Column 4, Line 34 – the system comprises a database that includes misspelled words together with correct spellings);
- a dynamic update list of pairs of second misspelled words and possibly correctly spelled words (Column 3, Line 16 through Column 4, Line 34 – the system

comprises a second database that includes misspelled words together with suggested correct spellings); and

- a measure for each pair in the dynamic update list indicating whether it is worth adding at least one of the second misspelled words and at least one of the possibly correctly spelled words to the static update list (Column 3, Line 16 through Column 4, Line 34 – the system includes counters that records the number of times a user requests that the word pairs be added to the static list).

Claim 24:

Nielsen discloses the apparatus of Claim 23, wherein the measures of the dynamic update list are counters (as indicated in the rejection for Claim 23, Nielsen discloses counters).

Claim 25:

Nielsen discloses the apparatus of Claim 24, the apparatus further comprising an incrementer incrementing the counters of the dynamic update list (as previously indicated, counters inherently include an "incrementer").

Claim 26:

Nielsen discloses the apparatus of Claim 23, the apparatus further comprising a first update unit for updating the static update list from the dynamic update list (Column

3, Line 16 through Column 4, Line 34 – the system includes a "first update unit" that updates the static list once a threshold is reached).

Claim 27:

Nielsen discloses the apparatus of Claim 23, the apparatus further comprising a second update unit for updating the dynamic update list from the document editor program (Column 3, Line 16 through Column 4, Line 34 – the system includes a "second update unit" that updates the dynamic list in that a newly "misspelled" word is added to the list if it is not already on the list).

Claim 28:

Nielsen discloses a data structure in a computer memory device for storing a dynamic update list of correctly spelled words as replacements for misspelled words, the data structure comprising:

- a series of entries, wherein each entry includes:
    - a misspelled word;
    - a correctly spelled word; and
    - a measure indicating whether it is worth adding the misspelled word and the correctly spelled word to a static update list (Column 3, Line 16 through Column 4, Line 34 – the database comprises a series of entries that includes misspelled words together with suggested correct spellings

and a counter that records the number of times a user requests that the word pairs be added to the static list).

Claim 29:

Nielsen discloses the data structure of Claim 28, wherein the measure indicating whether it is worth adding the misspelled word and the correctly spelled word to the static update list includes a counter storing the number of time the correctly spelled word replaced the misspelled word (as indicated in the rejection for Claim 28, Nielsen discloses a counter).

Claim 30:

Nielsen discloses the data structure of Claim 28, wherein the entries are organized to optimize searching, insertion, and deletion (Column 2, Lines 36-38).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Travis, U.S. Patent No. 5,765,180; Nielson, U.S. Patent No. 5,970,492; Fein et al., U.S. Patent No. 5,940,847; Gipson, U.S. Patent No. 5,754,737; Mogilevsky, U.S. Patent No. 5,787,451; Mogilevsky, U.S. Patent No. 5,649,222; and Angiulo et al., U.S. Patent No. 6,044,347.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is (703) 305-1701. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

WDH
November 10, 2003

HEATHER HERNDON
SUPERVISORY PATENT EXAMINER
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